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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,640	04/03/2000	Frank J. Koch	007325-077	4650
7590 07/10/2008 Ronald I. Grudziecki Burns Doane Swecker & Mathis LLP PO Box 1404 Alexandria, VA 22313-1404				
EXAMINER VO, HIEN XUAN				
ART UNIT 2863		PAPER NUMBER		
MAIL DATE 07/10/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/542,640

Applicant(s)

KOCH ET AL.

Examiner

HIEN X. VO

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30, 32-38 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16-30, 32-38 and 46-50 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, 16-30, 32-38 and 46-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Mulkey et al. (US Patent No. 5,138,268) further in view of Coyle et al. (US patent No. 6,789,030).

With respect to claims 1 and 21, Mulkey et al. disclose a thickness measuring system for nonconducting materials including obtaining a plurality of coating thickness values with a probe electrically connect to an electronic memory (see e.g. Fig.3, items 12, 16 and 51), recording in the electronic memory the plurality of coating thickness values (see e.g. col. 8, lines 21-44); except for teaching recording in the electronic memory a plurality of descriptive data, each descriptive data is associated with a respective one of the coating thickness values and provides information concerning the respective one coating thickness value. However, Coyle et al. disclose a portable data collector and analyzer apparatus and method that includes recording in the electronic memory a plurality of descriptive data (see e.g. abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baldwin to have a handheld multi-purpose portable data collector and analyzer apparatus as taught by Coyle in order to record a coating thickness values and

observations relating to the condition of a variety of assets values and signal processing options.

With respect to claims 2-12, 16-20, 22-30, 32-38 and 46-50, Mulkey et al. disclose the invention as claimed including the step of recording the coating thickness values and of recording the descriptive data are performed alternately (see e.g. col. 10, lines 28-68), a probe which generates a signal representative of a measured coating thickness (see e.g. Fig.1, items 12,16 and col. 5, lines 30-44), the probe comprised an LC oscillator (see e.g. col. 8, lines 5-24), a counter which measures a frequency of the LC oscillator (see e.g. col. 8, lines 31-33), except for teaching the coating thickness values are transmitted to the electronic memory via a PCMCIA card, the descriptive data comprise text, transforming text handwriting on a computer screen with a writing instrument into digital data, a graph on a video display screen, touchsensitive screen and the data is entered by touching the screen.

Coyle et al. disclose a portable data collector and analyzer apparatus and method that includes the data values are transmitted to the electronic memory via a PCMCIA card, the descriptive data comprise text, transforming text handwriting on a computer screen with a writing instrument into digital data, touch screen, a graph on a video display screen (see e.g. abstract, col. 2, lines 47-60, col. 7, lines 22-29, and cols. 7-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Baldwin to have a handheld multi-purpose portable data collector and analyzer apparatus as taught by Coyle in order to add new functionality for collecting and analyzing data a variety of different asset types and run

on different types of applications, different types of measurements, different types of transducers or any combination thereof for accommodating different types of sensed physical data for the large variety of different types of assets found in industrial plants.

3. Claims 13-15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Applicant's arguments with respect to claims 1-30, 32-38, 46-50 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIEN X. VO whose telephone number is (571)272-2282. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hien Vo
04/28/08

/John E Barlow Jr./
Supervisory Patent Examiner, Art
Unit 2863